

LARRY K. GANT)
)
v.) NO. 3:05-1004
) JUDGE CAMPBELL
R.D. HERBERT & SONS, INC.)

Pending before the Court is Defendant's Motion for Summary Judgment (Docket No. 54). For the reasons stated in the accompanying Memorandum, Defendant's Motion is GRANTED in part and DENIED in part. Plaintiff's claims under the ADEA, THRA, ADA and THPA are DISMISSED. Plaintiff's FMLA and FLSA claims will be tried, as previously scheduled, on April 17, 2007.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE